HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 58 of 2006

Petitioners	Lokmanya Sahakari Grih Nirman Sanstha Maryadit, having its Office at Gol Chowk, Rohinipuram, Raipur (C.G) through its Director, Kamlakar Kusre, r/o Tatyapara, Raipur (C.G).

Versus

Respondents	1 Shri Anil Dhurandhar, S/o Late Shri Mahendra Kumar Dhurandhar, R/o Azad Chowk, Raipur (C.G.) 2 The Sub Divisional Magistrate, Raipur (C.G.) 3 The Superintendent of Police, Raipur, Distt.-Raipur (C.G.) 4 Station House Officer, PS Deendayal Upadhyay Naar, Raipur (C.G.)

Petition filed under Section 482 of the Code of Criminal Procedure

---

Appearance:

Shri P. Diwakar, Sr. Advocate, with Shri P.R. Patankar, counsel for the petitioner.

Shri Ratan Pushty, counsel for respondent no.1.

Shri M.P.S. Bhatia, Panel Lawyer, for the State/ respondents no.2, 3 & 4.

ORAL ORDER

(27.6.2007)

Sunil Kumar Sinha, J,

Heard.

This petition has been filed against the order dated 04.7.2006 passed by X Addl. Sessions Judge (F.T.C.) Raipur, in Criminal Revision No.129/2006, whereby the said Court after setting aside the order passed u/s 145 Cr.P.C. remanded the matter to the Sub-Divisional Magistrate, for deciding afresh in accordance with law.

Learned senior counsel for the petitioner, during the course of arguments, submits that due to efflux of time he is not pressing the revision on merits, but he only prays that the Sub-Divisional Magistrate may be directed to dispose of the matter on merits within the stipulated period granted by

this Court because according to the learned counsel, even after the remand order, the Magistrate has not taken any substantial step in the matter when there was no stay against the effect and operation of the impugned order dt.12.4.2000.

The prayer made to this extent by learned counsel for the petitioner is not opposed by both the counsels appearing for the respondents. The same is allowed.

This petition is disposed of with a direction that the Sub-Divisional Magistrate shall try to dispose of the matter as early as possible, preferably within a period of 4 months from the date of receipt/production of certified copy of this order before the said Court.

At this stage, Shri Diwakar, submits that a *Pakka* wall has been erected in front of the office of the petitioner, therefore, even they are not in a position to enter into their office and some observations may be made regarding this also.

Needless to say, since the matter has been remanded to the Sub-Divisional Magistrate for deciding afresh on merits; the petitioner, if so advised, may move an appropriate application before the Sub-Divisional Magistrate, which shall also be decided by the said Magistrate in accordance with law.

With the aforesaid observations, this petition stands finally disposed off.

In view of the above, M.Cr.P.No.1880/2006 for grant of stay, I.A.No.2338/2006 for taking affidavit on record & I.A.No.2390/2006 for urgent hearing also stand disposed of.

C.c. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao